

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

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MATTHEW NADOLECKI,

Plaintiff,

-against-

WILLIAM FLOYD UNION FREE SCHOOL
DISTRICT and WILLIAM FLOYD UNION FREE
SCHOOL DISTRICT BOARD OF EDUCATION,

Defendants.
-----X

AZRACK, United States District Judge:

ORDER

15-CV-2915 (JMA) (AYS)

**FILED
CLERK**

9/13/2016 2:42 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Before the Court is Magistrate Judge Shields's Report and Recommendation (the "R & R"), recommending that the Court grant defendants' motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). After the Court granted plaintiff's request for an extension of time, plaintiff timely objected to the R & R. Having conducted a review of the record and the applicable law, the Court adopts Judge Shields's R & R in its entirety and grants defendants' motion to dismiss.

In reviewing a magistrate judge's report and recommendation, the court must "make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made." 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05-CV-5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). When a plaintiff does no more than make general objections or reiterate his original arguments, those portions of the R & R are reviewed only for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

Plaintiff's objection, provided in less than three pages, generally asserts that for each of

plaintiff's claims, there are "material questions of fact that warrant discovery in this case." (Pl.'s Objection to R & R at 2, ECF No. 26.) Because plaintiff has made generalized objections to the R & R and otherwise reiterated the arguments originally presented in his opposition, the R & R is subject to review for only clear error. See Pall Corp., 249 F.R.D. at 51. However, even under a de novo review, all of plaintiff's claims still fail, for the reasons set forth in Judge Shields's well-reasoned R & R.

Therefore, I adopt Judge Shields's Report and Recommendation in its entirety. Consequently, for the reasons enunciated in the Report and Recommendation, defendants' motion to dismiss is granted. The complaint is dismissed in its entirety. The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: September 13, 2016
Central Islip, New York

/s/ JMA
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE